

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

KEVIN TRUDEAU et. al.,

Plaintiffs,

v.

**Civil No. 1:05-CV-1019
(GLS)**

**NEW YORK STATE CONSUMER
PROTECTION BOARD et. al.,**

Defendants.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFFS:

McNamee, Lochner, Titus &
Williams, P.C.
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Daniel J. Hurtado, Esq.
Daniel Mach, Esq.

FOR DEFENDANTS:

HON. ELIOT SPITZER
Office of Attorney General
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Albany, New York 12224

Roger W. Kinsey, Esq.
Assistant Attorney General

Gary L. Sharpe
U.S. District Judge

TEMPORARY RESTRAINING ORDER

Having read the Declaration of Daniel J. Hurtado, Esq., in support of plaintiffs' request for, *inter alia*, a Temporary Restraining Order (TRO), and having reviewed plaintiffs' proposed order, and

The defendant New York State Consumer Protection Board, through its attorney, Eliot Spitzer, New York State Attorney General, Roger W. Kinsey, Esq., of counsel, having refused to maintain the status quo until a hearing in connection with plaintiffs' application for a TRO and Preliminary Injunction, and

Having considered all submissions, including affidavits, exhibits, legal memoranda and oral argument, in connection with plaintiffs' first application for a TRO filed on and after August 11, 2005,

IT IS HEREBY ORDERED that plaintiffs' application for a **TRO** is **HEREBY GRANTED** as follows:

1. The defendants are hereby enjoined from directly contacting any cable or broadcast station in order to induce such station to refuse to carry, or cease to carry, plaintiffs' advertisements for the Natural Cures

book authored by Kevin Trudeau; and

2. The defendants are hereby enjoined from publishing or disseminating the letter attached as Exhibit A to the TRO application, or any letter substantially similar in content, as a means of indirectly contacting cable or broadcast stations (see "Dear cable station/broadcast station,"); **however**,

3. Nothing in the language of this TRO shall operate to preclude defendants from communicating with the public concerning the views expressed by the State Consumer Protection Board; and it is further

ORDERED that this TRO is effective as of electronic service of this order upon defendants' counsel, Eliot Spitzer, Roger W. Kinsey, Esq., of counsel, and is in effect until the court rules on plaintiffs' application for a preliminary injunction; and it is further

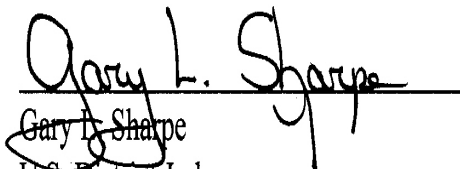
ORDERED that a hearing on plaintiffs' application for a preliminary injunction is **HEREBY** scheduled for **TUESDAY, SEPTEMBER 6, 2005, at 10:00 A.M.** at Courtroom No. 6, 445 Broadway, Albany, New York, First Floor, South; and it is further

ORDERED that all additional papers, including, *inter alia*, affidavits, memoranda of law and witness lists, for, or in opposition to, a Preliminary

Injunction **SHALL** be filed electronically on or before **September 1, 2005 at 5:00 P.M.**

SO ORDERED.

**Dated: August 31, 2005
At 12:30 P.M.
Albany, NY**



Gary L. Sharpe
U.S. District Judge